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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,365	12/29/2000	Lee Weinstein		8453

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EXAMINER

TAYLOR, BARRY W

ART UNIT PAPER NUMBER

2643

DATE MAILED: 01/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/752,365

Applicant(s)

WEINSTEIN ET AL.

Examiner

Barry W Taylor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,7-11,13,15,22,23,25,27,29-38,40-44,46-51,53,54,59-61,63,66-68 and 71-75 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Continuation of Disposition of Claims: Claims pending in the application are 1,7-11,13,15,22,23,25,27,29-38,40-44,46-51,53,54,59-61,63,66-68 and 71-75.

DETAILED ACTION

Claim Objections

1. Claims 15 and 63 are objected to because of the following informalities: Claims 15 and 53 depend upon cancelled claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 7, 9-11, 13, 15, 22-23, 25, 27, 29-38, 40-44, 48, 51, 53-54, 59-61, 63, 66-68 and 71-75 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of DuVal (5,818,836) further in view of Haste, III (6,665,389 hereinafter Haste).

Regarding claims 1, 7, 22, 25, 29-38, 40-44, 51, 67-68, 71-73 and 75. Glenn teaches a method for establishing anonymous communication links for Internet users who are communicating over a Chat server, as well as other on-line services (col. 2 line 65 – col. 3 line 30). Glenn teaches subscribers access Chat page to obtain telephone number to establish anonymous voice connection without exchanging telephone numbers (col. 3 lines 62-66).

According to Applicant's, Glenn does not teach the use of the website to initiate calls (see paper number 6, Amendment "A", dated 6/27/03, page 2 lines 4-7).

DuVal teaches method and apparatus for anonymous voice communication using an online data service (abstract). DuVal modifies the Chat page (figure 4) to include window (see pull down window 74 figure 4) or icons (see icons 108 and 86 figure 4) to be selected by subscribers for anonymous voice call. DuVal discloses although two parties are shown in figures, it is to be understood that numerous parties may be connected to the system (col. 5 lines 13-16). DuVal discloses the system may call the parties or one of the parties may call the system to set up the anonymous voice communication (col. 9 line 66 – col. 10 line 8, col. 11 lines 9-22). DuVal discloses that 800, 900, or local number may be used for a carrier or non-carrier based service (col. 12 lines 3-13). DuVal discloses the parties must agree, without revealing their identity, upon a time to call (col. 11 line 55 – col. 12 line 13). DuVal discloses billing functions including using credit cards and checking account (col. 13 line 62 – col. 14 line 11). DuVal discloses using greetings which allow the receiving party to accept or reject the call (col. 16 lines 1-16) as well as offering other party pays option (col. 16 line 16-65). DuVal discloses that either party can initiate an anonymous voice connection (col. 16 line 65). DuVal discloses parties currently involved with public or private chat can simply click on icon (see 86 or 108 figure 4) or select menu (see 76 figure 4) for anonymous voice connection. DuVal discloses the possibility for scheduling an anonymous voice call (col. 19 lines 11-41). DuVal discloses a distribution implementation to establish anonymous voice connection for parties located in different

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cities (col. 19 line 52 – col. 20 line 40) wherein the closest node is selected to connect the requesting party to a remote party (col. 20 lines 55-65).

According to Applicant's, Glenn fails to use database comprising times when customers have specified they are willing to receive calls as recited in Applicant's newly amended independent claims (see paper number 6, Amendment "A", dated 6/27/03, page 1, the prior art uncovered by Examiner section).

Haste improves on prior art by allowing subscribers to select a series of times he or she wants associated to telephone numbers (col. 1 lines 63-65). In other words, Haste allows for multiple telephone numbers to be listed with specified times of day during which the subscriber can be reached at those numbers (col. 2 lines 63-67, col. 3 lines 6-34).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the on-line Chat page as taught Glenn in view of DuVal to store plurality of numbers with specified times as taught by Haste for the benefit of routing calls to work between the times of 8 a.m. and 6 p.m. and then route calls to cell phone form 6 p.m. to 7:30 p.m. and use home phone from 7:30 p.m. to midnight as taught by Haste.

Regarding claims 9-11, 27 and 59-61. Glenn teaches defining group (col. 4 lines 6-7).

Regarding claims 13 and 63. According to Applicant's, Glenn does not teach the use of the website to initiate calls (see paper number 6, Amendment "A", dated 6/27/03, page 2 lines 4-7).

DuVal teaches method and apparatus for anonymous voice communication using an online data service (abstract). DuVal modifies the Chat page (figure 4) to include window (see pull down window 74 figure 4) or icons (see icons 108 and 86 figure 4) to be selected by subscribers for anonymous voice call. DuVal discloses although two parties are shown in figures, it is to be understood that numerous parties may be connected to the system (col. 5 lines 13-16). DuVal discloses the system may call the parties or one of the parties may call the system to set up the anonymous voice communication (col. 9 line 66 – col. 10 line 8, col. 11 lines 9-22). DuVal discloses that 800, 900, or local number may be used for a carrier or non-carrier based service (col. 12 lines 3-13). DuVal discloses the parties must agree, without revealing their identity, upon a time to call (col. 11 line 55 – col. 12 line 13). DuVal discloses billing functions including using credit cards and checking account (col. 13 line 62 – col. 14 line 11). DuVal discloses using greetings which allow the receiving party to accept or reject the call (col. 16 lines 1-16) as well as offering other party pays option (col. 16 line 16-65). DuVal discloses that either party can initiate an anonymous voice connection (col. 16 line 65). DuVal discloses parties currently involved with public or private chat can simply click on icon (see 86 or 108 figure 4) or select menu (see 76 figure 4) for anonymous voice connection. DuVal discloses the possibility for scheduling an anonymous voice call (col. 19 lines 11-41). DuVal discloses a distribution

implementation to establish anonymous voice connection for parties located in different cities (col. 19 line 52 – col. 20 line 40) wherein the closest node is selected to connect the requesting party to a remote party (col. 20 lines 55-65).

Haste improves on prior art by allowing subscribers to select a series of times he or she wants associated to telephone numbers (col. 1 lines 63-65). In other words, Haste allows for multiple telephone numbers to be listed with specified times of day during which the subscriber can be reached at those numbers (col. 2 lines 63-67, col. 3 lines 6-34).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time of the invention to modify the on-line Chat page as taught Glenn in view of DuVal to store plurality of numbers with specified times as taught by Haste for the benefit of routing calls to work between the times of 8 a.m. and 6 p.m. and then route calls to cell phone from 6 p.m. to 7:30 p.m. and use home phone from 7:30 p.m. to midnight as taught by Haste.

Regarding claims 15 and 66. Glenn teaches billing for anonymous voice connection by using credit card, Cybercash, or other form (column 4). DuVal also teaches one party may pay the charges associated with the other party (column 16)

Regarding claims 23, 48, and 74. DuVal shows information relating to last contact (see figure 5 "COUPLE RECORD", and "MESSAGE RECORD").

Regarding claim 53. DuVal shows conferencing done external to a telephone company (see #14 figures 1-3).

Regarding claim 54. DuVal shows digital signal used (see #68 figures 1-3).

3. Claims 8, 46-47 and 49-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Glenn et al (5,907,677 hereinafter Glenn) in view of DuVal (5,818,836), in view of Haste, III (6,665,389 hereinafter Haste) further in view of Lauffer (6,549,889).

Regarding claim 8. Glenn does not show using allowed contact time.

Lauffer teaches facilitating and delivery of advice to consumers using a server for rapidly assisting in connecting an expert and consumer for real-time communications (abstract). Lauffer server has ability to respond to a consumer's selection of expert by sending the consumer conveyance through means to contact experts that include but are not limited to telephone, Internet telephony, email, audio, and/or video (column 6). Lauffer using time-to-connect and expert compensation rate, time availability, etc (col. 5 lines 1-2, lines 15-16, lines 40-67, col. 6 lines 56-67). Lauffer even discloses that in another embodiment, a special symbol/notation is displayed next to or as part of an experts symbol if he has been certified by selected companies or organizations wherein the symbol/notation can optionally expire, disappear, or change its characteristics (color, etc) after a certain length of time so that the expert is forced to take tests to maintain certification (column 7). Lauffer even discloses displaying plurality of experts with varying compensation rates (column 7).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Glenn in view of DuVal and Haste to

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modify web page to include expert advice as taught by Lauffer for the benefit of providing subscribers with a list of experts, the time availability of the expert, and the compensation rate for consumer advice with expert as taught by Lauffer.

Regarding claims 46-47 and 49-50. Glenn does not show charging for professional service.

DuVal teaches method and apparatus for anonymous voice communication using an online data service (abstract). DuVal modifies the Chat page (figure 4) to include window (see pull down window 74 figure 4) or icons (see icons 108 and 86 figure 4) to be selected by subscribers for anonymous voice call. DuVal discloses although two parties are shown in figures, it is to be understood that numerous parties may be connected to the system (col. 5 lines 13-16). DuVal discloses the system may call the parties or one of the parties may call the system to set up the anonymous voice communication (col. 9 line 66 – col. 10 line 8, col. 11 lines 9-22). DuVal discloses that 800, 900, or local number may be used for a carrier or non-carrier based service (col. 12 lines 3-13). DuVal discloses the parties must agree, without revealing their identity, upon a time to call (col. 11 line 55 – col. 12 line 13). DuVal discloses billing functions including using credit cards and checking account (col. 13 line 62 – col. 14 line 11). DuVal discloses using greetings which allow the receiving party to accept or reject the call (col. 16 lines 1-16) as well as offering other party pays option (col. 16 line 16-65). DuVal discloses that either party can initiate an anonymous voice connection (col. 16 line 65). DuVal discloses parties currently involved with public or private chat can

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simply click on icon (see 86 or 108 figure 4) or select menu (see 76 figure 4) for anonymous voice connection. DuVal discloses the possibility for scheduling an anonymous voice call (col. 19 lines 11-41). DuVal discloses a distribution implementation to establish anonymous voice connection for parties located in different cities (col. 19 line 52 – col. 20 line 40) wherein the closest node is selected to connected the requesting party to a remote party (col. 20 lines 55-65).

Haste improves on prior art by allowing subscribers to select a series of times he or she wants associated to telephone numbers (col. 1 lines 63-65). In other words, Haste allows for multiple telephone numbers to be listed with specified times of day during which the subscriber can be reached at those numbers (col. 2 lines 63-67, col. 3 lines 6-34).

Lauffer teaches facilitating and delivery of advice to consumers using a server for rapidly assisting in connecting an expert and consumer for real-time communications (abstract). Lauffer server has ability to respond to a consumer's selection of expert by sending the consumer conveyance through means to contact experts that include but are not limited to telephone, Internet telephony, email, audio, and/or video (column 6). Lauffer using time-to-connect and expert compensation rate, time availability, etc (col. 5 lines 1-2, lines 15-16, lines 40-67, col. 6 lines 56-67). Lauffer even discloses that in another embodiment, a special symbol/notation is displayed next to or as part of an experts symbol if he has been certified by selected companies or organizations wherein the symbol/notation can optionally expire, disappear, or change its characteristics (color, etc) after a certain length of time so that the expert is forced to take tests to

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maintain certification (column 7). Lauffer even discloses displaying plurality of experts with varying compensation rates (column 7).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the invention as taught by Glenn in view of DuVal and Haste to modify web page to include expert advice as taught by Lauffer for the benefit of providing subscribers with a list of experts, the time availability of the expert, and the compensation rate for consumer advice with expert as taught by Lauffer.


Response to Arguments

4. Applicant's arguments with respect to claims 1, 7-11, 13, 15, 22-23, 25, 27, 29-38, 40-44, 46-51, 53-54, 59-61, 63, 66-68, 71-75 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


HUYEN LE
PRIMARY EXAMINER